

Application No. 10/690,992
Amendment dated October 23, 2006
Reply to Office Action of July 12, 2006

8

Docket No.: 60130(71987)

RECEIVED
CENTRAL FAX CENTER

OCT 23 2006

REMARKS

Claims 1-33 are pending in the instant application. Claims 2 and 11 have been canceled. Claims 19-23 have been withdrawn as drawn to non-elected subject matter. Claims 1, 3-7, 12-17, and 24-33 have been amended to more clearly delineate the instant invention. Support for the amendments to the claims can be found throughout the application as filed. Claims 1, 3-10, and 12-33 will be pending upon entry of the instant amendment. No new matter is introduced by these amendments.

Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter.

The elected subject matter was made with the understanding that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.

Rejection under 35 U.S.C. § 112

Claims 1-18 and 24-33 are rejected under 35 U.S.C. § 112, second paragraph, allegedly as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

It is alleged in the Office Action that claim 1 is vague and indefinite regarding the lignan mixture and the extract. It is also alleged that claim 1 is unclear regarding the metes and bounds of the lignan mixture. Applicants disagree and but have amended claim 1 to remove the recitation of "lignan mixture." Claim 1 has also been amended to clarify that the method is directed towards obtaining an extract, comprising antineoplastic components, from *Bupleurum scorzonrifolium*. Support for the amendment to claim 1 can be found at least at pages 22-23, which describes an extraction method of antineoplastic extracts and compounds. Support for the amendment can also be found at least at page 8 line 19 through page 9 line 9 of the specification as filed, which describes the extraction steps of the instant invention. The rejections are thus overcome and withdrawal of the rejections is respectfully requested.

Application No. 10/690,992
Amendment dated October 23, 2006
Reply to Office Action of July 12, 2006

9

Docket No.: 60130(71987)

It is alleged that claim 2 is vague and indefinite regarding the phrase "further comprising of." It is also alleged that claim 2 is vague and indefinite regarding the terms "first extract," "second extract," and "third extract." Claim 2 is also alleged to be vague and indefinite regarding the term "aqueous portion." Applicants disagree but have canceled claim 2. Additionally, the allegedly vague and indefinite terms have been amended and incorporated into amended claim 1. Withdrawal of the rejection is requested.

It is alleged that claim 5 is vague and indefinite regarding the phrase "95% methanol solution." Applicants disagree but have amended claims 1, 3, 4, 5, and 6 to more clearly delineate the extracts, portions, and solvents used in the instant invention. Support for the amendments to claims 1 and 3-6 can be found at least at least at pages 22-23, which describes an extraction method of antineoplastic extracts and compounds and at page 8 line 19 through page 9 line 9 of the specification as filed, which describes the extraction steps of the instant invention. Withdrawal of the rejection is requested.

It is alleged that claim 8 is vague and indefinite regarding the phrase "chromatographic method for separating antineoplastic components." As an initial matter, Applicants believe the rejection is over claim 7, and address the claim 7 rejection. Applicants disagree but have amended claim 7 to include the step of separating the extracts obtained from claim 1, by chromatographic methods. Support can be found at least in claim 7 as originally filed and at pages 23-24. The rejection is thus overcome and withdrawal of the rejection is respectfully requested.

It is alleged that claim 11 is vague and indefinite regarding the phrase "pure *Bupleurum scorzonrifolium* extract." For the sake of expedience, claim 11 is hereby cancelled without prejudice. The rejection is therefore moot and withdrawal of the rejection is respectfully requested.

It is alleged that claims 12-17 lack antecedent basis for the phrase "cell proliferative disorder." Applicants have amended claims 12-17 to indicate that antineoplastic components have anti-tumor effects on the disorders of each claim. The phrase "cell proliferative disorder" has been removed. Support for the amendments are found at least at page 27 to 32, at the third

Application No. 10/690,992
Amendment dated October 23, 2006
Reply to Office Action of July 12, 2006

10

RECEIVED
CENTRAL FAX CENTER

OCT 23 2006

Docket No.: 60130(71987)

through sixth embodiments of the specification. The rejection is thus overcome and withdrawal of the rejection is respectfully requested.

It is alleged that claims 28 and 29 are vague and indefinite regarding the term "includes." Applicants disagree but have amended claims 28 and 29 to remove the term "includes." The rejection is thus overcome and withdrawal of the rejection is respectfully requested.

Claims 24-27 and 30-33 have been amended to correct typographical errors.

Conclusion

In view of the above remarks, Applicants believe the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the Examiner is requested to telephone Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy.

The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Attorney Docket No. 60130 (71987), Customer No. 21874.

Dated: October 23, 2006

Respectfully submitted,

By Dwight D. Kim
Dwight D. Kim, Ph.D.

Registration No.: 57,665
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 439-4444
Attorneys/Agents For Applicant